

Mr [REDACTED] K [REDACTED] - v - Sheffield City Council

Appeal Details

Case number:	FD00370-2210	Appeal Raised:	31/10/2022
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	30/11/2022
Number of PCNs:	1	Adjudicator:	Annie Hockaday

Decision - PCN FD22407393

Mr [REDACTED] K [REDACTED], you have lost this appeal.

You need to pay the penalty charge to Sheffield City Council
Penalty Charge Amount: £70.00

Issued: 21/09/2022

Contravention: 12/09/2022 17:23

Bus Gate, Langsett Rd Nr Ripley St
(sheffield)

34 - Being in a bus lane

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. The PCN is for driving through a 'bus gate' type of bus lane on 12 September 2022 as shown in the video. As the adjudicator I must consider all the evidence, apply the law and decide the outcome.
2. Mr K [REDACTED] says that he is a taxi driver and it says 'taxi' on the sign. He provides a Private Hire Vehicle licence issued by Doncaster Council dated 14 September 2022 and valid for a year. When Sheffield City Council asked him to provide a licence valid on 12 September, he replied that he passed his test two weeks before the journey but Doncaster were late printing the licence. He says that he cannot afford to pay the penalty.
3. The blue sign at the entry point shows 'taxi' as permitted and the plate underneath adds 'and authorised vehicles'.
4. The word 'taxi' on a sign on the public highway means a licensed hackney carriage and does not mean a PHV. This is the effect of the Traffic Signs Regulations and General Directions 2016, regulation 1 and schedule 1. A hackney carriage and a PHV have a different legal status and different licencing. In future Mr K [REDACTED] will know that 'taxi' on a sign does not mean a PHV. It is the words 'authorised vehicles' on the white plate underneath that apply to a licensed PHV.
5. The PHV licence provided by Mr K [REDACTED] started two days after the journey. The car was not a licensed PHV at the date of the journey. The car was not entitled to use the bus lane on 12 September 2022. The contravention is proved. Based on the PHV licence dated 14 September 2022 Sheffield City Council have now added the car to the exempt list as 'an authorised vehicle' (email 3 October refers).
6. I accept that Mr K [REDACTED] did not deliberately misuse the bus lane but unfortunately he made a mistake to think that his PHV was allowed in it on 12 September without the licence. He has not shown a reason under the law to win his appeal. The amount starts at £70. The law requires the Council to offer a 50% discount in the PCN but after that any later discount is only at their discretion. They offered another chance to pay 50% in the Notice of Rejection but that offer passed. Mr K [REDACTED] is liable to pay £70.

Annie Hockaday

Adjudicator

30/11/2022